

**THE PERMANENT JUDICIAL COMMISSION  
OF THE GENERAL ASSEMBLY  
OF THE PRESBYTERIAN CHURCH (U.S.A.)**

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Bruce F. Haapalainen, )  
Complainant, )  
v. )  
Synod of Lincoln Trails )  
Respondent. )

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**DECISION AND ORDER**

Remedial Case 220-06

**Arrival Statement**

This matter now before the Permanent Judicial Commission of the General Assembly (GAPJC or this Commission) is the Challenge of a May 6, 2011, Preliminary Order of the Executive Committee (EC) of the GAPJC to Dismiss the Complaint. In its D-6.0305 Examination of Papers, the EC found that Bruce E. Haapalainen lacked standing to file the case and that the Complaint was not timely filed. The Notice of Challenge under D-6.0306 was received by the Stated Clerk of the General Assembly on May 25, 2011.

**Parties**

The Complainant is Bruce E. Haapalainen (Complainant). The Respondent is the Synod of Lincoln Trails (Synod).

**Jurisdictional Statement**

This Commission finds that the Challenge was properly filed by Complainant within thirty days after receipt of the EC's Preliminary Order of Dismissal.

**Appearances**

Complainant was represented by W. Dan Lee. Respondent was represented by Judy L. Woods and Linda Long.

**History**

This remedial case concerns allegations of irregularities arising from the action of a Synod Administrative Commission for the Presbytery of Midwest Hanmi (AC) in causing the removal of Yong Sam Rhee from the jurisdiction of the church. On November 7, 2010, acting

under G-6.0702, the AC caused the removal of Yong Sam Rhee from membership and ordained office in the Presbyterian Church (U.S.A.). The Synod next met on January 28, 2011. According to the Complaint, the AC did not report its November 7, 2010, action at that time. It is undisputed that the Complainant was not present at the January 28, 2011, Synod meeting. The Complaint was filed on March 7, 2011.

Upon its examination of papers under D-6.0305, the EC found that this Commission had jurisdiction over the matter under D-6.0202. However, the EC also found that Complainant did not have standing to file the case under D-6.0202a(2) because he was not an enrolled commissioner of the Synod at the meeting of January 28, 2011. The EC further determined that the Complaint was not timely filed because the action complained against, the declaration of renunciation, was effective on November 7, 2010, and the Complaint was not filed within 90 days after that action.

### **Decision and Order**

This Commission affirms the decision of the EC that Complainant does not have standing because he was not an "enrolled" commissioner to the Synod's January 28, 2011, meeting.

The case of Fair-Booth v. National Capital Presbytery (*Minutes*, 2008, p. 300), establishes that a ruling elder elected to serve as a commissioner to a presbytery meeting must be present and enrolled in order to file a remedial complaint alleging that an irregularity or delinquency occurred at that meeting. The considerations governing enrollment of an elected commissioner at a synod meeting are indistinguishable from those considerations governing enrollment of an elected commissioner at a presbytery meeting. Like ruling elder commissioners to a presbytery meeting, commissioners to a synod are elected by a lower governing body, the presbytery. According to Fair-Booth, "the requirement for enrollment, as separate from election ... is consistent with the principle that lower governing bodies do not determine the membership of higher governing bodies." Moreover, as in Fair-Booth, the requirement of attendance "is not a mere technicality....Presbyterians come together in governing bodies to deliberate and decide matters as a community of faith, open to the work of the Spirit among them."

If any one of the four jurisdictional grounds of D-6.0305 is lacking, the complaint fails. Since this Commission found that the Complainant lacked standing, there is no need to address the EC's finding that the Complaint was not timely filed.

The Executive Committee's dismissal of the Complaint is hereby affirmed.

### **ORDER**

IT IS THEREFORE ORDERED that the Dismissal of the Complaint is hereby sustained.

IT IS FURTHER ORDERED that the Stated Clerk of the Synod of Lincoln Trails report this Decision and Order to the Synod at its first meeting after receipt, that the Synod enter the

full Decision and Order upon its minutes, and that an excerpt from those minutes showing entry of the Decision and Order be sent to the Stated Clerk of the General Assembly.

### **Certificate**

We certify that the foregoing is a true and correct copy of the decision of the Permanent Judicial Commission of the General Assembly of the Presbyterian Church (U.S.A.) in Remedial Case 220-06, Bruce E. Haapalainen, Complainant, v. the Synod of Lincoln Trails, Respondent, made and announced at San Diego, California, on October 30, 2011.

Dated this 30th day of October, 2011.

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Susan J. Cornman, Moderator  
Permanent Judicial Commission of the General Assembly

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Gregory A. Goodwiller, Clerk  
Permanent Judicial Commission of the General Assembly

I certify that I did transmit a certified copy of the foregoing to the following persons by Fed Ex, Next Day Air, directing C. Laurie Griffith to deposit it with Fed Ex at San Diego, CA on October 30, 2011:

W. Dan Lee, Counsel for Appellant  
Judy Woods, Counsel for Appellee  
Stated Clerk, Synod of Lincoln Trails  
General Assembly Permanent Judicial Commission

I further certify that I did transmit a certified copy of the foregoing to the Stated Clerk of the General Assembly of the Presbyterian Church (U.S.A.) by delivering it in person to C. Laurie Griffith, on October 30, 2011.

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Gregory A. Goodwiller, Clerk  
Permanent Judicial Commission of the General Assembly

I certify that I received a certified copy of the foregoing, that it is a full and correct copy of the decision of the Permanent Judicial Commission of the General Assembly of the Presbyterian Church (U.S.A.), sitting during an interval between meetings of the General Assembly, in San Diego, CA., on October 30, 2011, in Remedial Case 220-07, Bruce F.

Haapalainen v. Synod of Lincoln Trail, and that it is the final judgment of the General Assembly of the Presbyterian Church (U.S.A.) in the case.

Dated at San Diego, CA on October 30, 2011.

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C. Laurie Griffith  
Manager of Judicial Process and Social Witness